

U.S. DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS

FILED

MAR 15 2006

CLERK, U.S. DISTRICT COURT

By \_\_\_\_\_ Deputy

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION

OLEN W. BRAMLETT,

§

Petitioner,

§

VS.

§

NO. 4:06-CV-015-A

DOUGLAS DRETKE, DIRECTOR,  
T.D.C.J., CORRECTIONAL  
INSTITUTIONS DIVISION,

§

§

§

Respondent.

§

O R D E R

Came on for consideration the above-captioned action wherein Olen W. Bramlett is petitioner and Douglas Dretke, Director, T.D.C.J., Correctional Institutions Division, is respondent. This is a petition for writ of habeas corpus filed pursuant to 28 U.S.C. § 2254. On February 8, 2006, the United States Magistrate Judge issued his proposed findings, conclusions, and recommendation, and ordered that petitioner file objections, if any, thereto by March 1, 2006. By order signed March 2, 2006, this court granted petitioner an extension to March 15, 2006 to file objections. On March 3, 2006, petitioner filed a document titled "Petitioner's Response to Proposed Findings, Conclusions and Recommendation of the United States Magistrate Judge" (hereinafter, "response").

In accordance with 28 U.S.C. § 636(b)(1) and Rule 72 of the Federal Rules of Civil Procedure, the court makes a de novo determination of those portions of the proposed findings or recommendations to which specific objection is made. United States v. Raddatz, 447 U.S. 667 (1980). The court is not addressing any nonspecific objections or any frivolous or conclusory objections. Battle v. United States Parole Comm'n, 834 F.2d 419, 421 (5th Cir. 1987).

After careful review of petitioner's response, the court concludes that petitioner does not make any specific objections. Rather, petitioner merely states that he did know that he needed permission from the Fifth Circuit to file a successive petition for habeas corpus relief under 28 U.S.C. § 2254. See Pet'r's Resp. at 1, ¶ 2. He further requests the court, in lieu of dismissal, to stay this action and grant him leave to file a motion with the Fifth Circuit seeking permission to file a successive petition. Id. at 2, ¶¶ 3-4. Petitioner cites to no legal authority in support of this request and the court is otherwise unaware of any. Leave from this court to file such a motion is not required. Indeed, the court concurs with the magistrate judge that, without leave from the Fifth Circuit to file a successive petition, this court is without jurisdiction

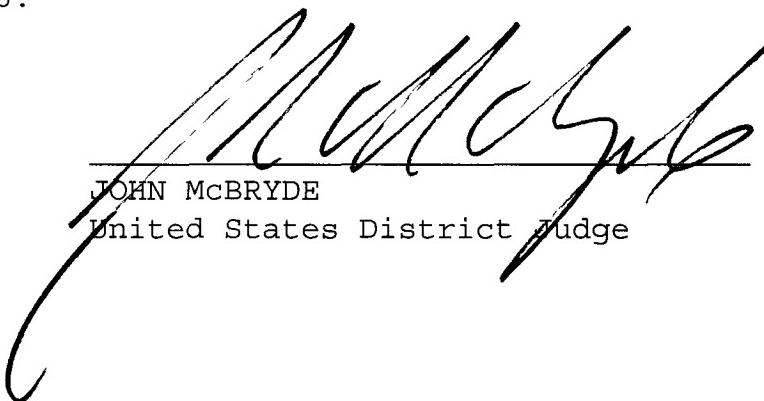
over this matter. See, e.g., 28 U.S.C. § 2244(b)(3)(A); Felker v. Turpin, 518 U.S. 651, 664 (1996).

Therefore,

The court accepts the findings, conclusions and recommendation of the magistrate judge and ORDERS that the petition in this action be, and is hereby, dismissed without prejudice.

The court further ORDERS that petitioner's motion for leave to proceed in forma pauperis, motion for evidentiary hearing, motion for appointment of counsel, and motion for production of documents be, and are hereby, denied as moot.

SIGNED March 15, 2006.

  
JOHN MCBRYDE  
United States District Judge